

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LILING GUAN, *individually and on
behalf of all other employees similarly
situated*,

Plaintiff,

-v.-

LASH PRINCESS 56 INC., *d/b/a*
LASH PRINCESS 56, d/b/a LASH
PRINCESS; OSCAR LIN; and QINYU
LIU, *a/k/a ULA LIU*,

Defendants.

22 Civ. 2552 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

Plaintiff Liling Guan initiated this case with the filing of a complaint on March 29, 2022. (Dkt. #1). On June 2, 2022, Defendants Lash Princess 56 Inc., Oscar Lin, and Qinyu Liu filed a motion to dismiss and supporting papers pursuant to Federal Rule of Civil Procedure 12(b)(6). (Dkt. #9).¹

Defendants' motion is premature. Per Rule 4.A of this Court's individual rules of practice, all parties are required to submit a pre-motion letter prior to filing, among other motions, a motion to dismiss. Defendants violated this rule by filing a motion to dismiss before filing a pre-motion letter and receiving authorization from the Court to proceed to motion practice.

Notwithstanding its prematurity, the Court has briefly reviewed Defendants' motion and finds that there may be some merit to the arguments

¹ Due to a filing error, the Clerk of Court directed Defendants to refile their documents. To date, Defendants have not done so. (See Dkt. #9).

made in it. If Plaintiff wishes to address Defendants' arguments or any deficiencies in her current pleading, she may do so by filing an amended complaint. To that end, Plaintiff is hereby ORDERED to file a letter stating whether she intends to file an amended complaint on or before **June 14, 2022**. If Plaintiff chooses to amend her complaint, the Court will deny Defendants' motion without prejudice as moot. If, however, Plaintiff elects to move forward with her current pleading, the Court will set a briefing schedule for Plaintiff's opposition to Defendants' motion and Defendants' reply at that time.

SO ORDERED.

Dated: June 7, 2022
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila".

KATHERINE POLK FAILLA
United States District Judge